

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP AF, COMMISSIONER OF PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY: Gene Scallato DATE: December 14, 2005



**PATENT  
MAIL STOP AF**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Patent Application Of	:	Group Art Unit:
	Rolf Menzel	:	1633
		:	
Serial No.:	09/920,118	:	Examiner:
		:	Patrick S. Riggins
Filed:	July 31, 2001	:	
		:	Attorney Docket No.:
For:	METHODS AND COMPOSITIONS FOR	:	46675-5004US1
	DIRECTED GENE ASSEMBLY	:	

**AMENDMENT**

This Amendment responds to the Final Office Action mailed on June 16, 2005, in connection with the above-captioned application. This Amendment is being timely filed in view of the accompanying petition for a three (3) month extension of time, and associated fee, which extends the time for response to the Office Action to and through December 16, 2005.

Applicant notes that the undersigned and colleagues associated with Customer No. 23973 have power of attorney in the present application by virtue of the Revocation and Power of Attorney filed in the Patent Office on December 14, 2005, a copy of which is included herewith for the Examiner's convenience.

Applicant appreciates the Examiner's time during the several telephone discussions that took place on November 9, 2005 with Examiners Shukla and Riggins and the undersigned and Melissa Handler, on November 23, 2005 with Examiner Riggins, the undersigned and Melissa Handler, and on December 8, 2005 with Examiner Riggins and Melissa Handler. Applicant, through the undersigned, initially contacted the Examiner to discuss the Office Action and the allowable subject matter cited therein and to discuss allowability of the rejected claims. Applicant was informed by Examiner Riggins that contrary to the statements made in the Office Action that claims 2, 3, 5-7, 11, 14, 16-16 (20?), 22-34 and 46-57 would be allowable, the Examiner now deemed these claims to likely be obvious over prior art not yet made of record and not made known to Applicant during the telephonic discussion. The ensuing discussions with the Examiner concerned the differences between site-specific recombination

and homologous recombination as those terms were known in the art at the time of filing of the present application, and as those terms are used in the present application and in Hartley (U.S. 5,888,732) cited as prior art against the claims. Agreement with the Examiner as to precisely which claims may be allowable was not reached, although the Examiner on December 8, 2005, conceded that allowable subject matter was present in the claims. However, it was not clear to the undersigned what arguments and amendments would permit allowance by the Examiner of the claims. Applicant therefore submits the following amendments to the claims and associated arguments and supporting references which, to the best of Applicant's knowledge, place the claims in condition for allowance. If Applicant has misunderstood the Examiner's requirements, or if for other reasons, allowance remains elusive, Applicant urges the Examiner to contact the undersigned and in order that further discussions regarding allowability of the claims may take place.